

## Chapter 122

### RECORDS, PUBLIC ACCESS TO

**[HISTORY: Adopted by the Board of Trustees of the Village of Saddle Rock 12-2-1987 by L.L. No. 15-1987. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Fees — See Ch. A156.

#### **§ 122-1. Records access officer designated.**

The Village Clerk is designated to be the records access officer, who shall have the duty of coordinating responses to public requests for access to records.

#### **§ 122-2. Responsibilities of officer.**

The records access officer is responsible for assuring that personnel:

- A. Maintain an up-to-date subject matter list.
- B. Assist the requester in identifying requested records if necessary.
- C. Upon locating the records, take one of the following actions:
  - (1) Make records available for inspection.
  - (2) Deny access to the records, in whole or in part, and explain in writing the reasons therefor.
- D. Upon request for copies of records:
  - (1) Make a copy available upon payment of or offer to pay established fees, if any; or
  - (2) Permit the requester to copy those records.
- E. Upon request, certify that a record is a true copy.
- F. Upon failure to locate records, certify that:
  - (1) The village is not the custodian of such records; or
  - (2) The records of which the village is a custodian cannot be found after diligent search.

#### **§ 122-3. Location of records; requests for access.**

The records shall be located at the Village Office, and requests to produce records shall be made during normal business hours. Such requests shall be in writing, in detail. The request shall either be complied with or denied within five business days of receipt.

**§ 122-4. Denial of access.**

- A. If access is denied, an appeal may be taken within 30 days to the Board of Trustees, which shall hear the appeal regarding said denial within 30 days of receipt of notice of the appeal.
- B. The denial shall be in writing and shall include advice to the applicant of the right to appeal to the Board of Trustees.

**§ 122-5. Appeals.**

- A. The Board of Trustees shall transmit to the Committee on Public Access to Records copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Public Access to Records 162 Washington Avenue Albany, New York 12231

- B. The person or body designated to hear appeals shall inform the appellant and the Committee on Public Access to Records of its determination in writing within seven business days of the hearing of an appeal. The determination shall be transmitted to the Committee on Public Access to Records in the same manner as set forth in Subsection A of this section.
- C. A final denial of access to a requested record on appeal, as provided for in Subsection B of this section, shall be subject to court review as provided for by law.

**§ 122-6. Fees.** <sup>1</sup>

Except when a different fee is otherwise prescribed by law:

- A. There shall be no fee for the following:
  - (1) Inspection of records.
  - (2) Search for records.
  - (3) Any certification pursuant to this chapter.
- B. The village shall charge the following fees for copies of records:
  - (1) The fee for copying records shall be \$0.25 per page for photocopies not exceeding nine inches by 14 inches.
  - (2) The fee for copies of records not covered by Subsection B(1) shall be the actual reproduction cost, which is the average unit cost for copying a record, excluding fixed costs of the agency such as operators' salaries.

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<sup>1</sup>. Editor's Note: See also Ch. A156, Fees.